

BOARD OF COUNTY COMMISSIONERS, UTAH COUNTY, UTAH
MINUTES OF PUBLIC MEETING
COMMISSION CHAMBERS, ROOM 1400
OF THE UTAH COUNTY ADMINISTRATION BUILDING
May 17, 2016 - 9:00 A.M.

PRESENT: COMMISSIONER LARRY A. ELLERTSON, CHAIR
COMMISSIONER WILLIAM C. LEE, VICE-CHAIR
COMMISSIONER GREG GRAVES

ALSO PRESENT:

David Shawcroft, Chief Deputy Attorney
Robert J. Moore, Utah County Deputy Attorney
Dianne Orcutt, Utah County Deputy Attorney
Paul Jones, Utah County Deputy Attorney
Carl Hollan, Utah County Deputy Attorney
Michelle Araujo, Commission Office
Lisa K. Nielson, Commission Office
Brian Voeks, Commission Office
Bryan E. Thompson, County Clerk/Auditor
Robert Baxter, Purchasing Manager
Burt Garfield, Assessor's Office
Jim Stevens, Assessor's Office
Bryce Armstrong, Community Development
Peggy Kelsey, Community Development
Joshua Ivie, Community Development
Ralph Clegg, Health Department Exec. Director
Mark Brady, Assistant Personnel Director
Richard Nielson, Utah County Public Works Director
Andrea Allen, Recorder's Office

James O. Tracy, Utah County Sheriff
Dalene Higgins, Utah County Sheriff's Office
Mike Forshee, Utah County Sheriff's Office
Gary Ratcliffe, Utah County Surveyor
Kim Jackson, Treasurer's Office
Mark Sorenson, Payson City Attorney
Garrick Hall, Utah Farm Bureau
Mary Carol Allred, Allred Orchards
Debbie Cloward, Allred Orchards
Monika Cloward, Allred Orchards
Becky Ellsworth, Allred Orchards
Blair Ellsworth, Allred Orchards
Blake Ellsworth, Allred Orchards
Brian Smith, Brian Smith Subdivision
Tim Torkildson, Provo Resident
Nannette Wride, BlueHaven Foundation
Tom Sakievich, -No further information given-
Mike Stansfield, Fairways Media
Renée Caron, Clerk/Auditor Administrative Assistant

Commissioner Ellertson called the meeting to order at 9:02 A.M. and welcomed those present. The following matters were discussed:

PRAYER/READING/THOUGHT: Tim Torkildson, Provo Resident

PLEDGE OF ALLEGIANCE: Mike Forshee, Utah County Sheriff's Office

Commissioner Ellertson took a moment of personal privilege to welcome Renée Caron, the person taking minutes, back to work after an eight-week leave to be home with her newborn daughter. Mrs. Caron was very flattered and grateful for the acknowledgement.

PUBLIC HEARING

(Track A, 03:06)

**PUBLIC HEARING TO CONSIDER APPROVAL OF THE PROPOSED ALLRED
ADDITION AGRICULTURE PROTECTION AREA APPLICATION WITH VARIANCE
ON THE ACREAGE AND THE MODIFICATION REQUEST TO EXCLUDE ROAD
RIGHTS-OF-WAY FOR APPROXIMATELY 36.048 ACRES LOCATED IN SECTION 15,
T9S, R2E, IN THE EAST PAYSON AREA OF UNINCORPORATED UTAH COUNTY**

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Peggy Kelsey of the Utah County Community Development Office summarized the ‘Allred Addition’ application with a slide show detailing the area proposed for addition to an existing Agriculture Protection Area, an area which was established in 1997 with approximately 331 acres. Twenty-nine acres were added to the area in the year 2001; all three parcels in question today are included as part of the Payson City Annexation Policy Declaration. Ms. Kelsey reviewed the locations and uses of the parcels on a map displayed for the room. Though the three parcels do not total the minimum requirement of 40 acres for an Agricultural Protection Area, a variance can be granted by code because the land is used for fruit production and is also contiguous to an existing Agricultural Protection Area. Ms. Kelsey reviewed maps and noted both the Utah County Planning Commission and the Utah County Agricultural Advisory Board have reviewed the application and unanimously recommended approval, with the exception of a 28-foot right-of-way along 2170 West as requested by the Utah County Public Works Department’s Engineering Office. The Engineering Office would like the widths of county road 2170 West/Salem Canal Road to be excluded from the Protection Area.

Peggy Kelsey confirmed for Commissioner Ellertson that the existing roadways are not dedicated, so the full width of the roads would be excluded from the Agriculture Protection Area under the current recommendation. Commissioner Ellertson asked about the residences adjacent to Salem Canal Road, and Ms. Kelsey explained no written objections were received during the 15-day posting period. Any property within 1,000 feet must receive notification. When Commissioner Ellertson noted the aerial view does not show fruit trees, Commissioner Graves suggested it may be an older map and Ms. Kelsey confirmed there is fruit production on the property. They also discussed grazing versus feed lots on the property.

Commissioner Lee noted the exclusion of the road right-of-way goes “right up to the porches and in some cases goes right over the top of some of the existing homes that are there.” He asked Peggy Kelsey to talk more about that, and Ms. Kelsey in turn invited Utah County Public Works Director Richard Nielson forward to explain what would happen with those homes if a dedication is eventually required. Commissioner Lee asked about the distance between the properties and the right-of-way, and Mr. Nielson noted the road right-of-way is only being requested as an exclusion from the Agricultural Protection Area in case the road needs to be widened in the future, but that is not currently anticipated; the issue of road dedications would be addressed only if it ever becomes relevant.

Commissioner Graves summarized that the only need for an exclusion would be, “for lack of a better phrase, an easier constitutional taking.” Richard Nielson replied that without the exclusion, any future projects along Gooseneck Drive or Salem Canal Road would need to be coordinated with the owners of the Agricultural Protection Area. When Commissioner Graves asked if the difference of a few acres is that substantial, for example in the case of needing to resolve potential issues through the court system, Mr. Nielson replied it would be best for the protection of the county to keep the road out of the Agricultural Protection Area. Commissioner Graves asked if there are any immediate plans for the area included in the Utah County Master Plan. Mr. Nielson stated Salem Canal Road is slated as a collector road, but there are no widening projects on the docket. Commissioner Ellertson pointed out that any constitutional taking of property would require payment of fair market value. Commissioner Graves responded that if the process takes thirty-nine steps, this action would save one step.

Utah County Deputy Attorney Robert Moore commented that the county is simply attempting to properly plan for the future. Agricultural Protection Areas generally exist for twenty or more years before additional reviews are needed, whereas current road projects can change as frequently as every five years. Mr. Moore mentioned that while it is only one step of thirty-nine, it is an important step and one of the more difficult ones. Commissioner Lee stated he understands the planning process, pointing out that “if development goes that direction, [the county] would anticipate that... and then start working with the processes and the landowners to make that work.” Mr. Moore reminded the Board that they need to consider the needs of the whole public rather than one individual. If the road is included as part of the Agricultural Protection Area, for example, and needs to be widened for public access within the next twenty years, the Allred family could reject that proposal from the county and it could also be stricken down by the Utah County Agricultural Advisory Board; the county would then be stuck with no solution for sufficient access.

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Commissioner Graves mentioned that the county is not in the development business. He suggested if this piece of property were to go into development, it would be in the county's best interest to say to Payson, "You please take this," as Payson has already identified it in their annexation plan. Commissioner Graves pointed out in that situation, Payson can require the right-of-way be excluded at that point. Richard Nielson clarified that scenario is true if it is the Allred family that wants to develop, but not necessarily the adjoining properties. Mr. Nielson mentioned his understanding that the Allred family plans to remain in fruit production for the foreseeable future.

Commissioner Graves, Robert Moore, and Richard Nielson continued discussing center lines, constitutional takings, fair market value, roads, and the Utah County Master Plan. Mr. Moore pointed out experiences when Agricultural Protection Areas were used to intentionally thwart valid government interests at the expense of millions of dollars, and the three men talked about the pros and cons of moving the 'line' further north or toward other properties to maintain the best collector road, and road designs in general.

Commissioner Lee summarized, "What I'm hearing is, because others around – maybe those to the north – may want to develop in the future, we need to exclude or take property from somebody to the south." He asked, "So why not let those who are going to be developing, be the ones that look at the road, and have that go through? Instead of having a 'taking' on the south?" Richard Nielson noted it is not necessarily development of northern property that would cause the widening of the road, and Commissioner Graves responded the need would most likely come from the north first based on the current development in Elk Ridge. Robert Moore reminded the Board that Agricultural Protection Areas are a legislative courtesy granted by the commissioners and not a constitutional right for any applicant. Mr. Moore explained if the Board makes this decision to exclude the right-of-way as requested by the Utah County Public Works Department, and recommended by county staff, the Planning Commission, and the Agricultural Advisory Board, 98% of the applicant's proposal is still being granted. The groups have all considered proper planning and how to deal with this in the future.

Commissioner Lee stated he finds this problematic because agricultural protection is a big issue in this county and he "sees this as trying to go around that to a certain extent," almost as if claiming "we like ag(*gricultural*) protection but we're also going to impose certain things on there." Commissioner Lee stated he would like to give the farmers and ranchers stronger positions when it comes to negotiation with their properties, and this exclusion is taking that advantage away from them. Richard Nielson responded the county must protect itself as a whole from a roads point of view; this is an existing right-of-way, and the county is not attempting to put in a new road. Mr. Nielson advised against "tying the county's hands." Commissioner Lee acknowledged the general argument out there that agricultural protection is a negative thing for future growth, stating "it appears we're going from the standpoint of what can we get now, instead of giving the farmer or rancher the best options." Commissioner Lee is not in favor of going down that path.

At Utah County Civil Division Chief Deputy Attorney David Shawcroft's suggestion, Commissioner Ellertson opened the floor to public comments for this Public Hearing, and Debbie Cloward of Allred Orchards came forward to identify Allred family members present in the audience today. She stated they have one simple goal: to farm for at least the next thirty years. Ms. Cloward mentioned attending county and Envision Utah meetings regarding the best management and tools to preserve agriculture in Utah County. She stated, "As cities grow, and more roads and easements are requested, it is always going to be the farmers whose land is chipped away at in order to promote or enable growth. These areas near our farm are no exception." Ms. Cloward's plea is for the Board to approve their application for an Agricultural Protection Area. She encouraged the commissioners to continue working toward agricultural preservation.

Commissioner Graves asked whether the Allred family agrees with the application being amended to exclude the right-of-way. Debbie Cloward replied it is acceptable if that is the way to get agricultural protection on the parcels. Commissioner Lee asked if that is their preference, and Ms. Cloward answered, "It is a concession." She went on to note there is not much potential for development along 2170 West, as it is a dead end and her family owns all of the property with the exception of one home on the West side of that road. There are five additional homes on the East side of that road, and there is really no potential for development unless her family is the one to develop it. Ms. Cloward mentioned "it is a gorgeous little corner of the world; it's heaven."

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Garrick Hall of the Utah Farm Bureau came forward to speak in favor of granting this Agricultural Protection Area. He explained that the public values beautiful orchards and open space, mentioning he takes issue with carving out roadways for hypothetical and indeterminate possible future development – that defies the point of creating the protected area. Mr. Hall pointed out the process to remove a road from an Agricultural Protection Area is difficult, as it should be, because nothing about taking a farmer's land should be easy.

Becky Ellsworth of Allred Orchards also pointed out that whomever seeks to develop 2170 West or Salem Canal Road in the future will have to make arrangements with several property owners, because the lines go right up to the houses. The reality of widening the road would mean taking more than just some trees.

CONSENT AGENDA

(Track B, 00:10)

1. RATIFY THE COMMISSION CHAIR'S SIGNATURE ON THE MEMORANDUM OF UNDERSTANDING BETWEEN THE UTAH DIVISION OF FORESTRY, FIRE, AND STATE LANDS AND UTAH COUNTY

2. APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO ACCEPT A QUIT CLAIM DEED FROM THE CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS FOR 0.16 ACRES OF LAND IN THE ELBERTA AREA

The Board requested Consent Agenda Item No. 2 be moved to the Regular Agenda for discussion.
PULLED TO REGULAR

3. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR'S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 60341, DATED MAY 11, 2016

The Board requested Consent Agenda Item No. 3 be moved to the Regular Agenda for discussion.
PULLED TO REGULAR

4. APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY TREASURER'S OFFICE IN CANCELLATION LETTER NO. 20359, DATED MAY 11, 2016

5. ADOPT A RESOLUTION APPROVING VOLUNTEERS WHO WISH TO DONATE THEIR SERVICES TO UTAH COUNTY

6. APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. 2016-11

The Board requested Consent Agenda Item No. 6 be moved to the Regular Agenda for discussion.
PULLED TO REGULAR

7. RATIFICATION OF PAYROLL FOR PAY PERIOD 10

8. RATIFICATION OF WARRANT REGISTER SUMMARY

Consent Agenda Item Nos. 1, 4, 5, 7, and 8 were approved as written. Commissioner Ellertson recommended the following Regular Agenda items be moved to Consent:

1. APPROVE THE MINUTES OF THE MAY 10, 2016 COMMISSION MEETING

(Track B, 00:48)

Commissioner Ellertson pointed out corrections to be made to the minutes, suggesting approval with those changes.

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3. **AUTHORIZE A CHANGE TO THE STAFFING PLAN OF PUBLIC WORKS TO ADD ONE FULL-TIME CAREER SERVICE ELECTRICIAN POSITION AND DELETE ONE FULL-TIME CAREER SERVICE FACILITIES MAINTENANCE SPECIALIST POSITION [OFFICIAL ACTION: ADD CLASS CODE 7000 TO PW - PROPERTY MGT AND DELETE POSITION PROPERTY MGT 032]**
4. **APPROVE AND AUTHORIZE NOTICE OF TERMINATION LETTER TO LASER EXPRESS IN ORDER TO REBID THE PRINTER TONER AND MAINTENANCE CONTRACT**
11. **ADOPT A RESOLUTION REGARDING CEDAR HILLS CITY’S NOTICE OF INTENT TO SUBMIT AN OPINION QUESTION TO ITS VOTERS REGARDING THE IMPOSITION OF A “RAP” TAX, CONFIRMING THAT UTAH COUNTY IS NOT SEEKING TO IMPOSE A TAX UNDER SECTION 59-12-1402**
12. **ADOPT A RESOLUTION REGARDING PAYSON CITY’S NOTICE OF INTENT TO SUBMIT AN OPINION QUESTION TO ITS VOTERS REGARDING THE IMPOSITION OF A “RAP” TAX, CONFIRMING THAT UTAH COUNTY IS NOT SEEKING TO IMPOSE A TAX UNDER SECTION 59-12-1402**

ACTIONS TAKEN

Consent Agenda Item Nos. 1, 7 and 8 were ratified; Nos. 2, 3 and 6 were tabled for further discussion; No. 4 was approved; and No. 5 was adopted. Regular Agenda Item No. 1 was approved with corrections; No. 3 was authorized; No. 4 was approved and authorized; and Nos. 11 and 12 were adopted.

AGREEMENT NOS.: 2016-349, 2016-350, and 2016-354

RESOLUTION NOS.: 2016-36, 2016-37, and 2016-38

REGULAR AGENDA

(PULLED FROM CONSENT)

2. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO ACCEPT A QUIT CLAIM DEED FROM THE CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS FOR 0.16 ACRES OF LAND IN THE ELBERTA AREA**

(Track B, 03:31)

Utah County Public Works Director Richard Nielson answered Commissioner Ellertson’s and Commissioner Graves’ questions about the location of the roadway.

Commissioner Lee made the motion accept the Quit Claim Deed from the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints for 0.16 acres of land in the Elberta area as detailed in Consent Agenda Item No. 2. The motion was seconded by Commissioner Graves and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None**

AGREEMENT NO. 2016-351

(PULLED FROM CONSENT)

3. **APPROVE TAX CREDITS AND REFUNDS RECOMMENDED BY THE COUNTY ASSESSOR’S OFFICE IN CANCELLATION AND CORRECTION LETTER NO. 60341, DATED MAY 11, 2016**

(Track B, 05:19)

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Commissioner Ellertson pointed out several accounts with a balance of ten dollars which included the note “ownership updated to United States Government.” Utah County Assessor Kris Poulson explained how airport hangars are owned by the city and under government privilege cannot be remanded to the county tax sale for restitution. Mr. Poulson was not sure about the ten dollar balances under the U.S. Government, but guessed they may be overlapping remainder strips.

Commissioner Graves made the motion to approve the tax credits and refunds recommended by the County Assessor’s Office in Cancellation and Correction Letter No. 60341 as outlined in Consent Agenda Item No. 3. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves**
NAY: None

AGREEMENT NO. 2016-352

(PULLED FROM CONSENT)

6. APPROVE PROPERTY TAX ACTIONS CONTAINED IN RECOMMENDATION LETTER NO. ~~2016-11~~ 2016-10*

(Track B, 08:56)

Commissioner Lee asked why some of the properties included within the Recommendation Letter are duplicated in Regular Agenda Item No. 5 on today’s calendar – properties to be withdrawn from the Delinquent Tax Sale. Utah County Clerk/Auditor Bryan E. Thompson explained that his office must declare which items may potentially be pulled from the tax sale for various reasons, including because of actions to be taken through the County Attorney’s Office in this Recommendation Letter. Mr. Thompson noted today is the last Commission meeting before the Tax Sale which is to take place on Thursday, May 19, 2016.

Commissioner Ellertson spoke of one property (Parcel 11:003:0005 belonging to Carolyn Hendriksen, et al c/o Michael Hendriksen) included in both the Recommendation Letter and the list of items to be withdrawn from the sale, suggesting that the recommendation to deny be stricken since it will be addressed in the Clerk/Auditor’s withdrawal list. Bryan E. Thompson agreed, mentioning that he has had communication with the Hendriksen family, and the family is attempting to sell the property and resolve the tax debt. Utah County Deputy Attorney Dianne Orcutt noted the Attorney’s Office recommendation to deny, stating they may be open to a payment agreement. Utah County Civil Division Chief Deputy Attorney David Shawcroft pointed out that any payment agreement would need to be approved by the Board today with the stipulation that any balance due be paid in full by March 1, 2017. Commissioner Graves said he is fine with that deadline. Commissioner Lee asked if this is the same process as any other group or individual that comes before the Board; Ms. Orcutt, Mr. Shawcroft, Commissioner Ellertson and Mr. Thompson all replied in the affirmative.

As the commissioners went on to discuss the details of the Recommendation Letter, it was brought to their attention that they were reviewing documents different from what was submitted by the County Attorney’s Office. In short, the agenda was posted for Recommendation Letter No. 2016-11 but they were addressing a prior Recommendation Letter No. 2016-10. The Board ultimately made their motion and took a vote to address Recommendation Letter No. 2016-10, ordering the minutes to reflect that change (*see above**). Recommendation Letter No. 2016-11 would be handled during the next meeting of the Board on May 24, 2016.

Commissioner Graves made the motion to approve the Property Tax actions contained in Recommendation Letter No. 2016-10, with the exception of the recommendation to deny Parcel No. 11:003:0005 registered to Carolyn Hendriksen et al care of Michael Hendriksen as the Board will approve a payment agreement to be paid in full by March 1, 2017; all other recommendations as contained in Letter No. 2016-10 would remain as specified in Consent Agenda Item No. 6. The motion was seconded by Commissioner Lee, and discussion continued.

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(Track B, 17:14)

Commissioner Ellertson commented on Parcel 24:046:4100, belonging to Ryan Rasband; and Parcel 45:448:0001, registered to Loafer Heights LLC attention of David Morley. The Rasband property had a noticing issue, and the Loafer Heights property was involved in a bankruptcy. Commissioner Ellertson stated he has a personal problem with penalizing someone for paying the taxes once they became aware of it, since in both cases the taxes were paid once the owners knew there was a problem. Utah County Deputy Attorney Dianne Orcutt replied there was no factual error on the part of the county in both instances. Commissioner Graves joked, “What he is saying is, the speed limit says 55 miles per hour, but we got pulled over doing 58; can we not have a ticket?” Andrea Allen of the Utah County Recorder’s Office clarified that Ryan Rasband purchased the property just this year, with the delinquent taxes already owed. Commissioner Ellertson noted Mr. Rasband is contending he did not know about the delinquent taxes.

Regarding the second issue, Andrea Allen went on to explain all correspondence was mailed to the address provided by Loafer Heights LLC, and ownership had not changed since 2006. Commissioner Ellertson questioned whether the address had changed recently, and Commissioner Lee read a portion of the Loafer Heights application wherein the owner wrote, “I would have kept taxes current. Other owner went bankrupt.” Commissioner Graves pointed out any and all principal owners listed would have received notice of the bankruptcy, and Dianne Orcutt stated the named individual was the registered agent for the LLC. Commissioner Lee commented, “If they’re the registered agent, it is their responsibility.” Commissioner Ellertson said he just wants to be supportive of the taxpayer, and Commissioner Lee repeated “they have the responsibility to change – anytime that happens, it’s their responsibility to make the notifications on that.” Commissioner Ellertson concurred while mentioning an address change took place on May 3, 2016, as requested by the individual who paid the taxes. Tax Administration Supervisor Burt Harvey of the Utah County Clerk/Auditor’s Office added that the address of record was based on the warranty deed. Mr. Harvey was able to find an updated address by searching public records and businesses in preparation for the tax sale, so in essence, the address would not have been updated if the property had not been placed on the tax sale list. Mr. Harvey reiterated it is the property owner’s responsibility to update their address with the county. Commissioner Ellertson clarified the owner of Loafer Heights and the individual who paid the taxes are one in the same, and Mr. Harvey confirmed.

The motion carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves**
NAY: None

AGREEMENT NO. 2016-343

REGULAR AGENDA

- 2. APPROVE, MODIFY AND APPROVE, OR REJECT THE PROPOSED ALLRED ADDITION AGRICULTURE PROTECTION AREA APPLICATION WITH VARIANCE ON THE ACREAGE AND THE MODIFICATION REQUEST TO EXCLUDE ROAD RIGHTS-OF-WAY FOR APPROXIMATELY 36.048 ACRES LOCATED IN SECTION 15, T9S, R2E, IN THE EAST PAYSON AREA OF UNINCORPORATED UTAH COUNTY; AND IF APPROVED, SIGN THE “NOTICE OF CREATION” AND “FINDINGS OF FACT” DOCUMENTS**

(Track B, 26:53)

Commissioner Ellertson summarized this action item as related to today’s Public Hearing. Commissioner Lee asked whether his fellow Board members would consider including 2170 West as part of the Agricultural Protection Area, rather than excluding it as suggested by the Utah County Public Works Department. Commissioner Lee explained that since the Allred family owns all of the surrounding property, any future development would need to be negotiated through the family either way. Commissioner Graves agreed, saying condemnation will likely occur in either circumstance. Commissioner Ellertson stated it is complicating the issue, but he would acquiesce to whatever decision Commissioners Lee and Graves suggest. Utah County Deputy Attorney Robert Moore noted the issue did

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come up briefly when presented to the Utah County Agricultural Advisory Board because of the lone property owner along 2170 West that is not a member of the Allred family. There is also the possibility that any member of the family could sell their property. The commissioners discussed the road and access to surrounding properties with individuals in the audience.

Commissioner Graves made the motion to modify and approve the proposed Allred Addition Agriculture Protection Area application, striking the amendment to exclude 2170 West from the protected area and instead changing the application to include 2170 West as part of the Agricultural Protection Area; Salem Canal Road will remain as an exclusion from the Agricultural Protection Area as described in Regular Agenda Item No. 2. The motion was seconded by Commissioner Lee, and discussion continued.

(Track B, 32:00)

Commissioner Ellertson noted he would be voting in favor of the modifications for the sake of unanimity and teamwork with his fellow Board members, as he would not want to be accused of having any individual agenda. Commissioner Graves also commented on his travels to Traverse, Michigan, which competes against Utah County for the number one spot in tart cherry production. Commissioner Graves hopes that Utah County can follow the model Traverse has set in highlighting their orchards as part of their economy, and would like to see our county incorporate those goals into transportation planning. He also joked that the male Allred grandchildren in the audience today look young enough that “they can work [the land] for a lot longer than 30 more years.”

The motion carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves**
NAY: None

AGREEMENT NO. 2016-353

5. APPROVE THE AUDITOR’S LIST OF PROPERTIES DEEMED IN THE BEST INTEREST OF THE PUBLIC TO WITHDRAW FROM THE ~~2015~~ 2016* ANNUAL DELINQUENT TAX SALE

(Track B, 34:15)

Commissioner Lee noted the agenda should have been noticed for the 2016 Annual Delinquent Tax Sale, not 2015, and ordered the minutes of the meeting corrected to reflect that change. He also asked for an explanation of the heading on the list to withdraw certain property from the sale “if needed.” Utah County Clerk/Auditor Bryan E. Thompson replied the commissioners have final authority in approving or denying parcels that the Clerk/Auditor’s Office has suggested be omitted from the tax sale for various reasons, such as “good faith efforts” to remediate the delinquent taxes. This is separate from properties being removed due to payment being made in full at any time before the sale begins on Thursday morning. Mr. Thompson reviewed the list and his office’s reasoning for suggesting withdrawal on each parcel with Tax Administration Supervisor Burt Harvey. Mr. Thompson mentioned that while the county receives an additional year of interest payments in some of these situations, there are times when his staff have worked right up until one hour before the sale to come to a satisfactory resolution because the general philosophy of the county is to not penalize property owners for occasional misjudgment.

Commissioner Lee made the motion to approve the tax credits and refunds recommended by the County Assessor’s Office in Cancellation and Correction Letter No. 60341 as outlined in Consent Agenda Item No. 3. The motion was seconded by Commissioner Graves and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves**
NAY: None

AGREEMENT NO. 2016-355

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6. **APPROVE OR DENY A LATE VETERAN ABATEMENT APPLICATION FOR BENJAMIN HEVELONE, SERIAL NO. 45:440:0038, WITH A FINDING THAT THE FAILURE OF THE CLAIMANT TO TIMELY FILE THE APPLICATION WAS BEYOND THE CLAIMANT'S REASONABLE CONTROL AND TO NOT EXTEND THE DEADLINE WOULD BE AGAINST EQUITY OR GOOD CONSCIENCE**

(Track B, 42:13)

Commissioner Graves made the motion to approve the late veteran abatement application for Benjamin Hevelone on Property Serial No. 45:440:0038 as specified in Regular Agenda Item No. 6, with the finding that the failure of the claimant to timely file the application was beyond the claimant's reasonable control and to not extend the deadline would be against equity or good conscience. The motion was seconded by Commissioner Lee and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

APPROVED

7. **APPROVE OR DENY A LATE VETERAN ABATEMENT APPLICATION FOR JASON WITHAM, SERIAL NO. 49:407:0239, WITH A FINDING THAT THE FAILURE OF THE CLAIMANT TO TIMELY FILE THE APPLICATION WAS BEYOND THE CLAIMANT'S REASONABLE CONTROL AND TO NOT EXTEND THE DEADLINE WOULD BE AGAINST EQUITY OR GOOD CONSCIENCE**

(Track B, 42:38)

Commissioner Graves made the motion to approve the late veteran abatement application for Jason Witham on Property Serial No. 49:407:0239 as specified in Regular Agenda Item No. 7, with the finding that the failure of the claimant to timely file the application was beyond the claimant's reasonable control and to not extend the deadline would be against equity or good conscience. The motion was seconded by Commissioner Lee and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

APPROVED

8. **APPROVE AND AUTHORIZE THE COMMISSION CHAIR TO SIGN A PROVIDER AGREEMENT FOR MEDICAID WITH DR. FLINDERS, MEDICAL DIRECTOR**

(Track B, 42:59)

Utah County Health Department Executive Director Ralph Clegg came forward with Utah County Deputy Attorney Carl Hollan. Mr. Hollan explained that since Dr. Flinders is not a county employee, it is not necessary for the commissioners to sign this agreement with Medicaid on his behalf. Mr. Clegg clarified the county completes the billing, but Mr. Hollan was unsure how to best coordinate a contract between the three parties. Utah County Civil Division Chief Deputy Attorney David Shawcroft suggested striking this item from the agenda until a new agreement could be compiled as needed.

Commissioner Graves made the motion to strike Regular Agenda Item No. 8 from the calendar. The motion was seconded by Commissioner Lee and carried with the following vote:

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**AYE: Larry A. Ellertson
William C. Lee
Greg Graves**
NAY: None

STRICKEN

- 9. APPROVE OR DENY A REQUEST FROM THE UTAH COUNTY ARTS BOARD TO WAIVE THE \$660 BUILDING RENTAL FEE AND THE \$300 EVENT PERMIT FEE FOR THE CHILDREN'S ART FESTIVAL TO BE HELD IN THE HEALTH AND JUSTICE BUILDING ON JUNE 4, 2016**
(Track B, 44:51)

Commissioner Lee made the motion to waive the \$660 Building Rental fee and the \$300 Event Permit fee for the Children's Art Festival to be held in the Health and Justice Building on June 4, 2016 as identified in Regular Agenda Item No. 9, with the finding that the benefit to the community exceeds the monetary fees in fair and adequate consideration to the county. The motion was seconded by Commissioner Graves and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves**
NAY: None

AGREEMENT NO. 2016-356

- 10. APPROVE OR DENY A REQUEST FROM BLUE HAVEN FOUNDATION TO WAIVE THE \$200 EVENT PERMIT FEE FOR USE OF SEVERAL COUNTY ROADS AND THE \$30 PARK RESERVATION FEE FOR USE OF BENJAMIN PARK FOR THE "FIESTA DAYS 50 / BLUE HAVEN HALF-CENTURY" CHARITY BIKE RIDE ON JULY 30, 2016**
(Track B, 45:48)

Nanette Wride, representing the Blue Haven Foundation, came forward to confirm the organization is a 501-(C)3 non-profit foundation. She explained twenty percent of proceeds from the charity bike ride will be donated to the Spanish Fork Police Department, with the remainder going to the foundation which provides widow mentors and healing and support staff to the families of fallen officers. When Commissioner Ellertson asked how the Spanish Fork Police Department will be using the funds they receive, Ms. Wride replied that will be delegated by their Chief of Police. Commissioner Ellertson suggested 100% of the proceeds go to the foundation, or perhaps next year the charity bike ride could be held on the Murdock Trail with collaboration and support to the Lindon City Police Department – Commissioner Ellertson lives in Lindon. Commissioner Graves jokingly responded that he is in favor of the ride staying in Spanish Fork City, as he is a resident there.

Commissioner Graves made the motion to waive the \$200 Event Permit fee and the \$30 Park Reservation fee for use of several county roads and Benjamin Park, respectively, for the "Fiesta Days 50/Blue Haven Half-Century" Charity Bike Ride to be held on July 30, 2016 as identified in Regular Agenda Item No. 10, with the finding that the benefit to the community exceeds the monetary fees in fair and adequate consideration to the county. The motion was seconded by Commissioner Lee and carried with the following vote:

**AYE: Larry A. Ellertson
William C. Lee
Greg Graves**
NAY: None

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At this point, the commissioners determined which closed meetings would be necessary to set and which could be stricken from the Regular Agenda.

(Track B, 49:09)

13. **APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE PURCHASE, EXCHANGE, OR LEASE OF REAL PROPERTY, WATER RIGHTS, OR WATER SHARES** *(Suggested for today's date, at this location, following the completion of the Regular Agenda and Work Session Agenda items) (Announce the vote of each Commissioner)*

Commissioner Graves made the motion to strike Regular Agenda Item No. 13 to set a date, time, and location for a closed meeting for a strategy session to discuss the purchase, exchange, or lease of real property, water rights, or water shares. The motion was seconded by Commissioner Lee and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

STRICKEN

14. **APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS THE SALE OF REAL PROPERTY, WATER RIGHTS, OR WATER SHARES, PREVIOUSLY PUBLICALLY NOTICED FOR SALE** *(Suggested for today's date, at this location, following the completion of the Regular Agenda and Work Session Agenda items) (Announce the vote of each Commissioner)*

Commissioner Graves made the motion to set a date, time, and location for a closed meeting for a strategy session to discuss the sale of real property, water rights, or water shares previously publically noticed for sale to follow the Regular Agenda items today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Lee and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

SET

15. **APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING TO DISCUSS THE CHARACTER, PROFESSIONAL COMPETENCE, OR PHYSICAL OR MENTAL HEALTH OF AN INDIVIDUAL OR INDIVIDUALS** *(Suggested for today's date, at this location, following the completion of the Regular Agenda and Work Session Agenda items) (Announce the vote of each Commissioner)*

Commissioner Graves made the motion to set a date, time, and location for a closed meeting to discuss the character, professional competence, or physical or mental health of an individual or individuals to follow the Regular Agenda items today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Lee and carried with the following vote:

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AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

SET

- 16. APPROVE AND SET A DATE, TIME AND LOCATION FOR A CLOSED MEETING FOR A STRATEGY SESSION TO DISCUSS PENDING OR REASONABLY IMMINENT LITIGATION** *(Suggested for today's date, at this location, following the completion of the Regular Agenda and Work Session Agenda items) (Announce the vote of each Commissioner)*

Commissioner Graves made the motion to set a date, time, and location for a closed meeting for a strategy session to discuss pending or reasonably imminent litigation to follow the Regular Agenda items today in Room 1400 of the County Administration Building. The motion was seconded by Commissioner Lee and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

SET

WORK SESSION

NO WORK SESSION ITEMS WERE SUBMITTED

PUBLIC COMMENTS

There were no public comments and the meeting recessed at 10:25 A.M. to go into closed meetings. The public meeting reconvened at 11:35 A.M.
(Track C, 00:01)

Commissioner Lee made the motion to adjourn the May 17, 2016 meeting of the Utah County Board of Commissioners. The motion was seconded by Commissioner Graves and carried with the following vote:

AYE: Larry A. Ellertson
William C. Lee
Greg Graves
NAY: None

There being no further business nor public comment, the meeting adjourned at 11:35 A.M. The minutes of the May 17, 2016 Commission meeting were approved as transcribed on June 28, 2016.

LARRY A. ELLERTSON, Commission Chair

ATTEST:

BRYAN E. THOMPSON
Utah County Clerk/Auditor

Copies available on the Utah County website at www.utahcounty.gov